

**BOARD OF PSYCHOLOGY**

1422 HOWE AVENUE, SUITE 22
SACRAMENTO, CA 95825-3200
(916) 263-2699
www.psychboard.ca.gov



July 2, 2003

CERTIFIED MAIL

Kenneth J. Ryan, Ph.D.
4295 Gesner, Suite 2G
San Diego, CA 92117

RE: In the Matter of the Accusation Against:
Kenneth J. Ryan; OAH No. L2001120586

Dear Dr. Ryan:

The California Board of Psychology hereby issues this formal letter of reprimand as part of the Decision, issued by Administrative Law Judge Stephen E. Hjelt and adopted by the Board of Psychology, regarding accusation number W-219 filed against you by the Board.

This letter of reprimand is based on the finding that you engaged in two acts of negligence in the care and treatment of patient K.S. The first is in failing to adequately monitor and maintain proper boundaries at the end of therapy. The multiple relationship of therapist/patient and therapist/friend was not managed properly and kept separate. The second is failing to adequately maintain billing records. The two simple departures from the standard of care establish a violation of Business and Professions Code 2960(r).

Further, you are required to pay cost recovery in the sum of \$3,000.00 with 45 days of the effective date of the Decision.

A letter of reprimand is considered disciplinary action in California and, as such, shall be disclosed to the public upon request. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'William Lew Tan'.

William Lew Tan
President

BEFORE THE
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

KENNETH J. RYAN, Ph.D.

Psychologist's License No. PSY 7646,

Respondent.

Case No. W 219

OAH No. L2001120586

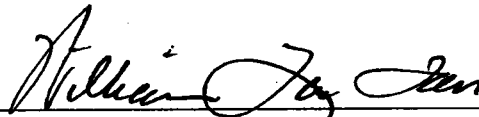
DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by
the Board of Psychology as its Decision in the above-entitled matter.

This Decision shall become effective August 1, 2003

IT IS SO ORDERED.

Date: July 2, 2003



WILLIAM LEW TAN, PRESIDENT
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS

BEFORE THE
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

KENNETH J. RYAN, Ph.D.

Psychologist's License No. PSY 7646,

Respondent.

Case No. W 219

OAH No. L2001120586

PROPOSED DECISION

On November 5, 2002, in San Diego, Stephen E. Hjelt, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Michael P. Sipe, Deputy Attorney General, represented the complainant Board of Psychology

Respondent Kenneth J. Ryan, Ph.D., was present and represented by John Mitchell, Attorney at Law.

Evidence was received, the record was closed and the matter was submitted for proposed decision on November 5, 2002.

FACTUAL FINDINGS

1. The Accusation was filed by Thomas S. O'Connor in his official capacity as the Executive Officer of the California Board of Psychology, and not otherwise.
2. On or about December 1, 1982, the Board of Psychology issued Psychologist's License No. PSY 7646 to respondent Kenneth J. Ryan, Ph.D. At all times relevant to the determination of issues in this case, the license was in full force and effect. There is no history of any other discipline to this license.
3. The charges brought against Dr. Ryan arose out of and within the context of a bitter divorce and a child custody dispute. Respondent was simply one of the many

therapists and the many lawyers who made an appearance in this ugly mess. Respondent was hired by the wife on the recommendation of the wife's attorney to provide psychotherapy. Respondent provided therapy to her for approximately 18 months. He was not hired or engaged to perform a child custody evaluation nor did he testify in court during the divorce. He wasn't even the original target of the Board investigation. That was another therapist who was performing conjoint therapy with respondent's patient's children and their father. The flavor of this divorce and the acrimony that pervaded it are captured in a report that one of the many therapist's sent to the judge handling the divorce case. He wrote:

"Frankly, I have never been on a case where there is such polarized divergence between the mental health professionals involved. Indeed, there is a direct schism between "camps" with Drs. Ribner and Ryan essentially being in line with the mother's perspective while Drs. Dess and Doyne strongly believe the children are being alienated from the father by the mother."

4. This is a peculiar case by any measure. The principal charge against respondent is the maintenance of a damaging multiple relationship with his patient, the wife in the divorce. Of all the various items in the code of ethics, nothing is more problematic for practitioners, or for the Board, than dual relationships. They are difficult to define with particularity. When defined, their content is vague and subject to qualification. At the same time, dual relationships are fertile grounds for the development of exploitation. They can, and often do, create confusion and lead to harm for patients.

5. This case is peculiar and challenging for all concerned for another reason. That reason is the quality of the evidence. The only two people of consequence to testify were the Board's expert and the respondent. The Board's investigator also testified but not in a manner that impacted the Factual Findings. The rest of the case is documentary. The documents do provide some assistance in providing a context to evaluate respondent's conduct. However, the case suffers from the absence of an ability to evaluate the testimony of many witnesses all of whom with strong motives to color and distort the facts in one way or another. At the same time, it is obvious from the evidence available that the wife did not want to testify and if she did, would not have been a persuasive and credible witness. Nor would her ex-husband. There were many victims in this case. Respondent was simply one of them. This, however, should not be construed as an endorsement of respondent's methods in this case. The weight of the evidence supports a finding that he had a multiple relationship with the wife and that he did a very sloppy job of accounting and billing. He did not exploit; he did not take advantage; he did not manipulate. In fact, despite the sad and sorry denouement, respondent was loyal and devoted and caring. He did more than most therapists to help and support and validate his patient. She was in the midst of a most ugly divorce and her soon to be ex-husband was trying to take her children from her. This was an extremely frightening prospect to a woman whose life and identity had been her children.

6. On the eve of trial a substantial portion of the Accusation was stricken by the prosecution. The charging factual predicate that remained is set forth below:

CAUSE FOR DISCIPLINE

Gross Negligence, Repeated Negligent Acts

7. "Respondent is subject to discipline on account of the following:
- a. "Respondent began treating K.S. in September 1998 while she was going through a divorce from her husband. In December 1999, respondent requested and received from K.S. two checks totaling \$20,000; one was a check made out in the name of respondent's son, while the other check was made out to respondent's mortgage lender. Respondent maintained no billing records during the entire time he saw patient K.S.
 - b. According to K.S.'s own declaration, K.S. wrote checks to respondent between May and September 1999 totaling \$36,000. During the time she saw respondent, K.S. would have therapy sessions in respondent's home as well as K.S.'s home. Respondent became a father figure to K.S.'s two children.
 - ...
 - g. Respondent would frequently accompany K.S. to school to pick up the children. Respondent would insist she wait in the car while he retrieved the kids.
 - ...
 - h. During the time he treated K.S., respondent had dinner at the patient's house, and she had dinner at respondent's house.
8. Respondent is subject to disciplinary action as result of his having committed gross negligence and repeated acts of negligence within the meaning of sections 2960 (j) and (r). The circumstances are as follows:

- a. Respondent failed to respect the boundaries between patient and therapist by engaging in multiple relationships with K.S. by having dinner at each other's home, taking her children swimming, picking her children up at school.
- b. K.S. paid respondent substantial sums of money, much of which was paid directly to respondent's son and respondent's mortgage company.
- c. Respondent failed to keep any billing records of his services with K.S."

7. Kristi S. became respondent's patient on September 30, 1998. She had been referred to him by her divorce attorney. She was in the midst of a very messy and painful divorce. She was in her late 30s and the mother of two young children, a boy and a girl. Dr. Ryan, after spending considerable time with her in therapy, felt she was a battered woman. He, like all the other mental health professionals involved, noted that the children were distant and angry toward their father. Dr. Ryan and another of the mental health professionals felt that this was the father's doing, that he was distant and angry and abusive. The father, Kenneth S., knew of Dr. Ryan's opinion.

Initially, the parents had joint legal custody with physical custody awarded to the mother. This did not suit the father. Ultimately, after much rancor and huge disagreements among the mental health professionals, physical custody was awarded to the father based on the dubious finding of parental alienation syndrome. This took place in December 2000. This was a stunning and terrifying shock to Kristi S. and to her children who did not want to be with their father.

Kristi S. was devastated. She had lost the role that had validated her, the role of mother. Within days her husband met with her and worked out a "deal." He would allow her to keep physical custody 50% of the time. A short time later, a Petition for Injunction Prohibiting Harassment was filed by Kenneth S. against Dr. Ryan. Declarations submitted by Kenneth S. and Kristi S. were filled with outrageous charges against Dr. Ryan which, if true, would justify the revocation of Dr. Ryan's license. They suggested that Dr. Ryan had threatened to kill Kristi, that he was obsessed with her children, that there was a creepy sexual undercurrent to the therapeutic relationship and that Dr. Ryan secretly placed electronic bugging equipment in Kristi's home.

The timing of the events, the loss of physical custody, the offer of 50/50 custody and the filing of these charges, was not a coincidence. Respondent went from being a trusted therapist to being a demon overnight.

Before the matter went to hearing in the Superior Court, Kristi S recanted her written declaration. She wrote a letter to Dr. Ryan's attorney that stated as follows:

"It was with great displeasure that I learned that my former husband . . . has sought counsel regarding Dr. Ryan.

I wrote a couple of pages concerning Dr. Ryan under great stress after hearing of the recent child custody ruling after a long and difficult divorce. These couple of pages were not intended in anyway to be used against Dr. Ryan in any legal action, much less to be used as a declaration without my knowledge. In fact, my former husband coached me as to what to write and how to sign it. . . . [M]y former husband, does not have the authority to act on my behalf and furthermore does not have the right to exploit my client/Dr. privilege. Furthermore, as the legal custodian of our two children . . . I will do everything possible to shield them from any exposure to yet another judicial injustice.

If you need any assistance regarding this unfortunate issue, please do not hesitate to contact me. . .

Sincerely,

Kristi S.

Mother of two great kids

P.S. Dr Ryan never said anything to hurt me or my children: and he never threatened us.

Kristi S."

Following a full evidentiary hearing at which Kenneth S., Dr. Ryan and Kristi S. testified, the Petition for TRO and Injunction against Dr. Ryan was dismissed and Dr. Ryan was awarded attorney's fees.

8. Respondent Kenneth Ryan, Ph.D., is 67 years old. He received his B.A. from St. Patrick's College in Ottawa, Canada in 1963. In 1971, he received his Masters Degree in psychology from Columbia University. He began study for his Ph.D. at the University of Nebraska and completed this degree at USIU in San Diego in 1975. During the 1960s, he worked as a recreational therapist at Bellevue Hospital in New York. In 1973, he began work as an outreach counselor for the homeless at San Diego County Mental Health. His work was primarily in the community, not in the office. From 1973 to 1988, he worked for San Diego County Mental Health in the main clinic. He dealt with domestic violence and battered women. It was there that he began to be sensitized to the special problems surrounding spousal abuse and battered women.

He retired from San Diego County after over 15 years as a counselor. He had, since the early 1980s, a very small private practice that he operated out of his home. He did individual and couples therapy. A large majority of his caseload had to do with domestic violence issues. He gradually earned a reputation for expertise in this area and eventually became recognized as an expert on Battered Women's Syndrome. His experience with battered women lead to a forensic practice evaluating cases in the court system.

During the time relevant to this case, respondent had an office in Mission Bay area of San Diego. It was a considerable distance from his home in East San Diego County. On occasion, over the years, he would see patients at his home.

His first encounter with Kristi S. was on September 30, 1998 at his office in Mission Bay. Over the next 18 months he saw her often. Most of the visits were at his Mission Bay office. However, Kristi S. lived even farther east of Mission Bay than respondent. It was quite time consuming and often burdensome for Kristi S. to travel that distance so on occasion she would meet respondent for therapy at his home. Based on the totality of the evidence, there was nothing unusual or improper in this arrangement. Respondent and his wife live on a tranquil and lovely almost four-acre plot of land. The grounds are beautiful and the home has an area that is private and comfortable for a therapy session.

In their first meeting financial arrangements were discussed. Respondent charged \$150 per session and this was acceptable to the patient. She would generally pay by check. Her first visits were sporadic but eventually over the first six months he saw her approximately once per week. After March 1999, her visits became more frequent. Late in the therapeutic relationship, as the divorce and the child custody battle became more volatile, he saw her often, either in person or in phone sessions.

Of the 147 sessions with Kristi S. no more than 12 were at respondent's home. There were rare occasions where, for example, due to the unavailability of a babysitter, Kristi S. brought her two children with her. The children occasionally swam in the pool at respondent's house. There is nothing in the evidentiary record that would lead to a

conclusion that allowing the children to accompany their mother and swimming in the pool was impermissible or a violation of the standard of care. Despite accusations made during the divorce, respondent never engaged in therapy with the children. He did not seek to be their "father figure." He came to like them, felt they were victims of the fallout of a bad marriage and a terrible dissolution proceeding. On occasion he played basketball with them.

On one occasion, Kristi S. had dinner at respondent's home with respondent and his wife. On one occasion, respondent had dinner with Kristi S. and her children at her home. In the context of this therapy relationship, there was nothing below the standard of care in these dinners.

Respondent's therapy focus with Kristi S. was to deal with the intense stress and anxiety she was experiencing as a byproduct of the divorce. By all accounts, she was a needy, difficult and challenging patient. Much of the therapeutic time was spent dealing with issues surrounding her ex-husband's manipulation and psychological battering.

Respondent charged \$150 per hour and Kristi S. paid by check typically after each session. There came a time when she could no longer pay but respondent continued to treat her. By all accounts, both respondent and Kristi S. knew and kept track of how often and for how long they were meeting. At some point in time (the exact date is not completely certain from the record), Kristi S. called respondent to report that the divorce court was going to release a large lump sum of money so that bills to lawyers, therapists, etc. could be paid. Respondent and Kristi S. agreed that the reasonable amount to be paid was \$20,000. She called him from the bank and said that the bank needed to put a name on the cashier's check. Respondent asked that she have one check made out to his son in the sum of \$5,000 and one made to his mortgage company in the sum of \$15,000. She did as instructed.

Respondent's accounting/billing practices were sloppy and below the standard of care. However, the weight of the evidence supports a finding that he was underpaid for the number of hours of time he provided services. Furthermore, this is not a case about sloppy billing, or non-existent records. Nor is this a case about poor therapy. In fact, the records he supplied to the Board were 140 pages in length. The fact of the matter is that the lack of regular billing and the absence of billing sheets is not tantamount to financial advantage taking. The patient and the therapist both agreed to the remaining amount due and owing and the figure agreed upon was clearly consistent with the amount of professional time spent. The choice of how these checks were made out is certainly unorthodox. However, as Dr. Bucky, the Board expert, testified, there would be no problem if the patient wrote a check to respondent, and he, in turn, wrote a check to his son and his mortgage company. Per Dr. Bucky, standing alone these checks are questionable (how they were written) but more information would be needed by him before he could determine if these truly represented an extreme breach of the standard of care or simply were somewhat unorthodox. The weight of the evidence in this case supports a finding that there was no exploitation, no taking advantage of this patient and nothing irregular or violative of the standard of care in the amount that was paid to respondent for services rendered. The manner of payment was unorthodox and quite frankly looks quite unusual. But the fact that it looks unusual (and suspicious) does not establish an extreme departure from the standard of care. The departure

from the standard of care relates solely to virtually nonexistent billing records in the face of a large bill.

9. Dr. Bucky testified as the designated expert for the Board. Dr. Bucky is a well known and well respected psychologist. He was a past president of the California Psychological Association. He testifies and writes professionally about issues of practice and ethics. He reviewed documents supplied by the Board and rendered a written report. For the purpose of expressing opinions in the report, he phrased it in terms of, "if these allegations are true, then . . ." He felt there were violations of the standard of care in how "overinvolved" respondent was with the family and that the large lump sum payment was well outside the norm. He felt that the payment for services rendered was an unacceptable way to deal with billing for professional services.

Dr. Bucky, like all good experts, did not advocate for one side. His testimony was balanced and fair and clearly acknowledged that this is not an area where there are clear lines of conduct that are proscribed. The fact that Kristi S. had three different attorneys representing her in the divorce, her husband had two, and the children had one did make getting to the truth of what happened more difficult. And, there were therapists everywhere as well for husband, wife, and kids, as well as child custody evaluators reporting findings to the judge in the divorce proceeding.

Dr. Bucky confirmed that multiple relationships are an area of dispute within the profession and that what would be permissible in one theoretical orientation would not necessarily be permissible in another. Although in the abstract it might be easy to draw lines regarding multiple relationships and boundary violations, in practice it is not always so clean and simple. The most important yardstick to use in evaluating whether a multiple relationship is problematic is to understand the relationship between therapist and patient. You must determine whether there was exploitation, manipulation and patient harm. The weight of the evidence in this case is that there was no exploitation, manipulation or patient harm that flowed from the relationship of Dr. Ryan and Kristi S.

Dr. Bucky concluded his very detailed report to the Board with this language:

"In conclusion, the allegations listed above are generally unsubstantiated. However, if the Board determines that the allegations are true, Dr. Ryan was below the standard of care and viewed as being grossly negligent in the practice of his profession."

The challenge in this case, as referenced in earlier findings and echoed by Dr. Bucky, is to determine what the facts really were. Dr. Bucky aptly captured the essence of this case when he wrote "... the allegations listed above are generally unsubstantiated."

10. Multiple relationships describe any relationship between therapist and patient that runs concurrently with the therapeutic relationship. Multiple relationships are generally to be avoided due to their acknowledged potential to lead to patient harm. However, multiple relationships are often unavoidable and not per se unethical or illegal. The best

example of a destructive multiple relationship is a therapist/patient sexual relationship. For other types of multiple relationships, one must assess the totality of the relationship between therapist and patient to determine if there has been an ethical violation. It is obvious that, even when not unethical, multiple relationships require a therapist to be extremely vigilant in his or her awareness of the therapy boundaries. In this regard, Dr. Ryan could have done better.

Regardless of the type of therapy used, it is the responsibility of every therapist to maintain basic treatment boundaries with each patient. If boundary exceptions, i.e., multiple relationships, are allowed, they must be made for the benefit of the patient. In this case, it is clear that there was a friendship that developed between therapist and patient in addition to the traditional role of therapist and patient. On the basis of the record in this case, it is impossible to determine whether the maintenance of this multiple relationship did more harm than good. This is an important question and it was not answered in this hearing. What is clear is that respondent meant no harm, cared about his patient and was not obtaining personal gratification from the relationship at the patient's expense. Nevertheless, by the end of the relationship there is sufficient evidence that the therapist/patient relationship had become somewhat confused and enmeshed. By the end of the relationship, respondent was not maintaining good control over the boundaries of the relationship. This was, however, overshadowed by the immensely corrosive effects of the divorce proceeding.

11. The record in this case has many missing pieces. The pieces that are present establish that there was a patient/therapist relationship between respondent and Kristi S. that eventually had a component of friendship to it. This was not per se a violation of anything. However, by the end of the relationship respondent was not maintaining and separating these components as well as he should have. This was a simple deviation from the standard of care. The record also establishes that he billed his client fairly and was not overpaid. However, the lack of billing records and the manner of payment were outside the standard of care. They weren't very professional and to an outsider they look suspect. This is a simple deviation from the standard of care.

12. The complainant incurred actual expenses for investigation and enforcement of this action in the amount of \$9,277.37. Attorney General costs are \$6,160. Investigation costs are \$1,917.37. Expert witness costs are \$1,200.

LEGAL CONCLUSIONS

1. The California Board of Psychology has broad authority to regulate the practice of psychology by virtue of the California Business and Professions Code.

2. California Business and Professions Code section 2960 states:

"The Board may refuse to issue any registration or license, or may issue a registration or license with terms and conditions, or may suspend or revoke the

registration or license if the applicant, registrant, or licensee has been guilty of unprofessional conduct. Unprofessional conduct shall include, but not be limited to:

- (a) Conviction of a crime substantially related to the qualifications, functions or duties of a psychologist or psychological assistant.
- (b) Use of any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code section, or dangerous drugs, or any alcoholic beverage to an extent or in a manner dangerous to himself or herself, any other person, or the public, or to an extent that this use impairs his or her ability to perform the work of a psychologist with safety to the public.
- (c) Fraudulently or negligently misrepresenting the type or status of license or registration actually held.
- (d) Impersonating another person holding a psychology license or allowing another person to sue his or her license or registration.
- (e) Using fraud or deception in applying for a license or registration or in passing the examination provided for in this chapter.
- (f) Paying, or offering to pay, accepting, or soliciting any consideration, compensation, or remuneration, whether monetary or otherwise, for the referral of clients.
- (g) Violating Section 17500.
- (h) Willful, unauthorized communication of information received in professional confidence.
- (i) Violating any rule of professional conduct promulgated by the board and set forth in regulations duly adopted under this chapter.
- (j) Being grossly negligent in the practice of his or her profession.
- (k) Violating any of the provisions of this chapter or regulations duly adopted thereunder.
- (l) The aiding or abetting of any person to engage in the unlawful practice of psychology.
- (m) The suspension, revocation or imposition of probationary conditions by another state or country of a license or certificate to practice psychology or as a psychological assistant issued by that state or country to a person also holding a license or registration issued under this chapter if the act for which the disciplinary action was taken constitutes a violation of this section.
- (n) The commission of any dishonest, corrupt, or fraudulent act.
- (o) Any act of sexual abuse, or sexual relations with a patient or former patient within two years following termination of therapy, or sexual misconduct that is substantially related to the qualifications, functions or duties of a psychologist or psychological assistant or registered psychologist.
- (p) Functioning outside of his or her particular field or fields of competence as established by his or her education, training, and experience.
- (q) Willful failure to submit, on behalf of an applicant for licensure, verification of supervised experience to the board.
- (r) Repeated acts of negligence.

3. Business and Professions Code section 2964.6 states:

“An administrative disciplinary decision that imposes terms of probation may include, among other things, a requirement that the licensee who is placed on probation pay the monetary costs associated with monitoring the probation.”

4. The administrative law judge is mindful that the highest priority is the protection of the public and that all necessary steps be taken in a disciplinary order to insure that the public will not be at risk. The disciplinary order below is made based upon the severity of the conduct, the context in which it occurred and a judgment about the necessary level of scrutiny of respondent's professional conduct that is required to protect the public.

This order is based further upon the facts found to be true, not those facts alleged to have happened.

5. In fashioning the Disciplinary Order below, the Administrative Law Judge has read and considered the Disciplinary Guidelines of the Board of Psychology as well as taken into consideration the Board's paramount duty to protect the public. Furthermore, the Legal Conclusions and the Disciplinary Order are the result of the facts found to be true and the relative weight they have in the context of this dispute. The Administrative Law Judge has been hearing cases involving psychologists for the last 14 years and has used that accumulated perspective in evaluating the evidence. This is in keeping with the dictates of Government Code section 11425.50(c) which states:

“The statement of the factual basis of the decision shall be based exclusively on the evidence of record in the proceeding and on matters officially noticed in the proceeding. ~~The presiding officer's experience, technical competence, and specialized knowledge may be used in evaluating evidence.~~”

6. It was established by clear and convincing evidence to a reasonable certainty that respondent engaged in two acts of negligence in the care and treatment of patient Kristi S. The first is in failing to adequately monitor and maintain proper boundaries at the end part of therapy. The multiple relationship of therapist/patient and therapist/friendship was not managed properly and kept separate. The second is in failing to adequately maintain billing records. These two simple departures from the standard of care establish a violation of Business and Professions Code section 2960 (r) based upon Factual Findings 1-12. There is no finding that any of the conduct by respondent amounted to gross negligence which has a well recognized content defined by an extreme departure from the standard of care or the lack of even scant care in the provision of psychological services.

7. It was established that the Board incurred actual and reasonable expenses for investigation and prosecution of this action in the amount of \$9,277.37. Attorney General costs are \$6,160. Investigation costs are \$1,917.37 and Dr. Bucky's expert fee is \$1,200. However, based upon the fact that most of the allegations in the Accusation were not

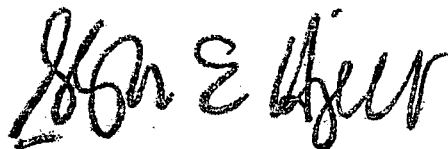
sustained, it is not appropriate to award the total amount of cost. Respondent should bear the responsibility to pay \$3,000 as and for the costs of investigation and prosecution.

ORDER

1. The Board shall issue a Public Letter of Reprimand to respondent Kenneth J. Ryan, Ph.D. pursuant to Business and Professions Code section 495.
2. Respondent shall reimburse the Board the sum of \$3,000 for costs within 45 days of the date this decision becomes final.

DATED: _____

6/3/03



STEPHEN E. HJELT
Administrative Law Judge
Office of Administrative Hearings

DECLARATION OF SERVICE BY CERTIFIED MAIL

In the Matter of the Accusation Filed
Against:

Kenneth J. Ryan, Ph.D.

No. : W219

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 1422 Howe Avenue, Ste. 22 Sacramento, California 95825. I served a true copy of the attached:

DECISION AND ORDER

by mail on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

NAME AND ADDRESS

CERT NO.

Kenneth J. Ryan, Ph.D.
4295 Gesner, Suite 2G
San Diego, CA 92117

7002 0860 0004 1219 5036

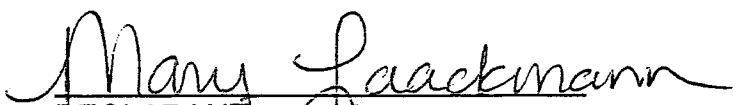
John Mitchell, Attorney at Law
2366 Front Street
San Diego, CA 92101

Michael P. Sipe
Deputy Attorney General
110 West A Street, Suite 1100
P. O. Box 85266
San Diego, CA 92186-5266

Stephen E. Hjelt, ALJ
Office of Administrative Hearings
1350 Front St., Room 6022
San Diego, CA 92101

Each said envelope was then on, July 2, 2003, sealed and deposited in the United States mail at Sacramento, California, the county in which I am employed, as certified mail, with the postage thereon fully prepaid, and return receipt requested.

Executed on, July 2, 2003, at Sacramento, California.
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


DECLARANT
Mary Laackmann
Enforcement Analyst